



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

20 Broadoaks Drive and 11 Catford Road – Ontario Land Tribunal Hearing – Request for Directions

Date: July 5, 2023

To: City Council

From: City Solicitor

Ward: Ward 7 – Humber River-Black Creek

REASON FOR CONFIDENTIAL INFORMATION

This report contains advice or communications that are subject to solicitor-client privilege. This report contains information regarding potential litigation.

SUMMARY

On November 9, 2021, the City received Official Plan and Zoning By-law Amendment applications for 20 Broadoaks Drive and 11 Catford Road (the "Site") to permit infill development consisting of a 12-storey mixed-use building fronting on Keele Street, two residential towers of 18 and 30 storeys connected by a six-storey base building in the middle of the Site, and two four-storey residential townhouse blocks at the corner of Catford Road and Derrydown Drive. The existing apartment buildings on the Site would be retained. A Draft Plan of Condominium application was also submitted to establish a phased condominium corporation for the proposed development.

The applicant appealed City Council's neglect or failure to make a decision on the applications to the Ontario Land Tribunal (the "OLT") on May 12, 2022 (the "Appeals").

The City Solicitor requires further direction for the upcoming OLT hearing, which is scheduled to commence on October 23, 2023. This matter is urgent as it is the last opportunity to get instruction from City Council in advance of established procedural exchange dates. This item cannot be deferred.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to this report from the City Solicitor.

2. City Council authorize the public release of the confidential recommendations contained in the Confidential Attachment 1 to this report from the City Solicitor, if adopted by City Council.
3. City Council direct that all other information contained in Confidential Attachment 1 to this report from the City Solicitor is to remain confidential at the discretion of the City Solicitor, as it contains advice which is subject to solicitor-client privilege.

FINANCIAL IMPACT

There is no financial impact arising from the adoption of the Confidential Recommendations beyond what has already been approved in the current year's budget.

DECISION HISTORY

In November, 2021, the City received planning applications to permit infill development of the Site, including a 12-storey mixed-use building on Keele Street, two residential towers of 18 and 30 storeys connected by a six-storey base building in the middle of the Site, two four-storey residential townhouse blocks at the corner of Catford Road and Derrydown Drive and the retention of two existing 9-storey apartment buildings.

A Request for Direction Report on the applications was adopted by City Council on February 7, 2023, directing the City Solicitor and appropriate City staff to attend the OLT hearing to oppose the appeal of the Official Plan Amendment and Zoning By-law Amendment applications, and to continue discussions with the applicant to address the staff concerns as outlined in the report. The Request for Direction Report can be found here:

<https://secure.toronto.ca/council/agenda-item.do?item=2023.EY2.5>

On June 23, 2023, the City received a With Prejudice, not confidential, settlement offer from the applicant's lawyers, Overland LLP. After further discussions with City staff, on June 30, 2023, the City received an updated with prejudice settlement offer letter from Overland LLP clarifying some details, together with revised plans (the "Updated Settlement Offer" and "Revised Plans"). The Updated Settlement Offer and Revised Plans are attached as Public Attachment 1. The applicant/appellant intends to seek approval of the Revised Plans at the OLT hearing scheduled to commence in October.

The Revised Plans propose the following:

- Extending the mid-rise building (Building A) along the Keele Street frontage, creating a continuous street-wall to support establishing a retail main street.
- A reduction to the height of Building A from 12 to 11 storeys, which represents a metric reduction from 46.6 metres to 36 metres, establishing a 1:1 building height to right-of-way width ratio in keeping with the mid-rise performance standards.

- 881 square metres of retail space is proposed at both ends of the mid-rise building, representing a minimum of 60 percent of the Keele Street frontage.
- Relocating outdoor amenity spaces to the interior of the site, away from the Keele Street frontage.
- Removing the colonnade originally shown on the ground floor plan for the north façade of Building A, to keep it free from barriers, columns, and other obstructions, and to ensure the north façade is designed to be safe and publicly accessible.
- A redistribution of building heights within the interior of the site.
 - Tower B-1 has increased in height from 18 storeys plus mechanical penthouse to 21 storeys plus mechanical penthouse, which represents a metric increase from 64.4 metres (plus mechanical penthouse) to 71.4 metres (plus mechanical penthouse).
 - Tower B-2 is reduced in height from 30 storeys plus mechanical penthouse to 25 storeys plus mechanical penthouse, which represents a metric reduction from 101.2 metres (plus mechanical penthouse) to 77.6 metres (plus mechanical penthouse).
 - The base building for Tower B-1 has increased from four storeys to six storeys and now extends further to the south and west.
 - The six-storey base building for Tower B-2 extends further north and south.
 - The portion of the base building located between Tower B-1 and Tower B-2 has increased from six to seven storeys.
- Towers B-1 and B-2 have been re-positioned to frame the new public park to the west and the mid-block connection to the north, allowing for greater sunlight access on these public spaces and a comfortable pedestrian experience.
- Building entrances are addressed to the new public park and the mid-block connection.
- Indoor and outdoor amenity space are provided at a ratio of two square metres per unit respectively.
- A minimum of 10 percent of the units are provided as three-bedroom units and 15 percent of the units are provided as two-bedroom units in accordance with the Growing Up Guidelines.

COMMENTS

The City Solicitor requires further instructions on this matter. This report is about ongoing litigation before the OLT and contains advice or communications that are subject to solicitor-client privilege.

CONTACT

Sarah O'Connor, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 397-5624;
Email: Sarah.OConnor@toronto.ca

Jamie Dexter, Solicitor, Planning & Administrative Tribunal Law; Tel: (416) 394-2799;
Email: Jamie.Dexter@toronto.ca

SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Public Attachment 1 – Letter from Overland LLP dated June 30, 2023 containing Updated With Prejudice Settlement Offer, including revised architectural plans
2. Confidential Attachment 1 - Confidential Information